

REMARKS/ARGUMENTS

Claims 22-35 (as previously presented) remain in this application.

1. Claims 23-35 were objected to. The claims were objected to because of use in the claims of the terms “encoded voice-band traffic”. The examiner required that page and line numbers of the specification that support this limitation be provided.

The original specification described these terms as referring to IP telephony communications (i.e., Vo-IP). Such Vo-IP communications/traffic on packet networks is, by nature, encoded as data packets and in accordance with network protocols. This is described in the original specification at page 3, line 13 through page 4, line 9, and otherwise throughout the specification. For example, page 3, lines 13-23, describe that voice communications/traffic can be packetized data such as can be communicated over an Internet Protocol (IP)-based network. IP telephony is well known to be voice traffic of analog voice signals (such as traffic over the PSTN) that is encoded as digitized data packets and packetized network communications protocols (as traffic over an IP-based network). For example, at page 4, lines 4-7, this voice traffic is discussed as being data that is converted to and from encoding and compression for the IP-based network interfacing to the PSTN. The references to “encoded voice-band traffic” of the claims are, thus, understandable to those in the art to mean IP telephony (i.e., Vo-IP) communications.

Notwithstanding that the original specification describes the “encoded voice-band traffic” in manner that Applicant submits is understandable to those in the art, Applicant’s original claims, and the claims as amended, state and indicate that “encoded voice-band traffic” is the mode of communications over the IP-based/packetized network of the claims. Applicant has

amended the specification in this amendment, by revising paragraphs to include the exact words “encoded voice-band traffic”. This is proper and appropriate, of course, under the rule that the claims are part of the specification.

Other minor grammatical errors are also corrected via the revised paragraphs of this amendment.

No new matter is added by the amendment.

2. Claim 22-24 and 29 were rejected under 35 USC 103(a) as unpatentable over Hakim, in view of McConnel. Applicant herewith submits its Declaration of Samuel R. Shiffman, one of the co-inventors. The declaration shows prior conception and diligence of Applicant and the co-inventors, prior to McConnel’s priority date. As such, McConnel is not prior art to Applicant’s claimed inventions.

The examiner stated several limitations of Applicant’s rejected claims (e.g., claims 22-24 and 29) that are not shown by the base reference Hakim (e.g., page 5 of the Office Action). The examiner applied McConnel for the missing points of limitation of Hakim. That Applicant predates the McConnel reference, overcomes McConnel and so dispenses with the rejection.

The examiner further cited Hakim as including certain, but not all elements and limitations, of Applicant’s claims 30-35. These claims 30-35 depend from claim 29 (and intervening claims). As stated, McConnel is not prior art. Because Hakim does not disclose the various limitations of the independent/base claims of these claims 30-35, all of Applicant’s pending claims should be allowed.

Applicant respectfully requests withdrawal of the rejection and allowance of all pending claims.

In view of the foregoing, Applicant respectfully requests reconsideration and allowance of all pending claims 22-24 and 29-35, and issuance of a timely Notice of Allowance in this case.

If the Examiner has any questions or comments, the undersigned attorney for Applicant respectfully requests a call to discuss any issues. The Office is authorized to charge any excess fees or to credit any overage to the undersigned's Deposit Account No. 50-1350.

Respectfully submitted,

Date: August 2, 2006

By H. Dale Langley, Jr.
H. Dale Langley, Jr.
Reg. No. 35,927

The Law Firm of H. Dale Langley, Jr., PC
610 West Lynn
Austin, Texas 78703
Telephone: (512) 477-3830
Facsimile: (512) 480-0858
E-Mail: dlangley@iptechlaw.com